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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,712

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Jean-Michel Cazenave

Serie 6353

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02/18/2009

AIR LIQUIDE

Intellectual Property

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HOUSTON, TX 77056

EXAMINER

SPORER, ERIC NOLAN

ART UNIT

PAPER NUMBER

4118

MAIL DATE

DELIVERY MODE

02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,712	Applicant(s) CAZENAVE ET AL.	
	Examiner ERIC SPORER	Art Unit 4118	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>25 January 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the amendment filed on 25 January 2006. As directed by the amendment: claims 1-5 have been cancelled and claims 6-10 have been added. Thus, claims 6-10 are presently pending in this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Beale (US Pat. 4,648,397).

3. Re claim 6, Beale discloses a circuit for supplying oxygen to aircraft passengers, comprising, in a line supplying oxygen A12 (Fig. 1) connected to a pressurized oxygen source 74 (Fig. 1), a servocontrolled pressure regulator 60 (Col. 6, Lines 15-16) that can be actuated in response to a pressure control signal supplied by an electronic control unit 50 (Fig. 1, Col. 3 Lines 37-40).

4. Re claim 7, Beale further discloses a cabin pressure sensor 66 (pressure sensor located in the pilot's cabin, Fig. 1) delivering an absolute pressure signal P1 (Fig. 1) to the electronic control unit 50 (Fig. 1) for the generation of said control signal to the regulator 60 (Fig. 1, Col. 3 Lines 32-40).

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5. Re claim 9, Beale further discloses that the oxygen supply line A12 (Fig. 1) comprises a downstream connection to an oxygen therapy system 64 (Pilot's Mask, Fig. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beale as applied to claim 7 above, and further in view of Babin (US Pat. 6,588,442).

9. Re claim 8, Beale discloses the disclosed invention except where it comprises a line bypassing the regulator and provided with a safety solenoid valve. Babin, however, teaches the use of a line 22 (bypass chamber, Fig. 2) bypassing the regulator 38 (valve member, Fig. 2) and provided with a safety solenoid valve 52 (solenoid actuator, Fig. 2),

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in order to provide emergency bypass in the event of the rotary valve actuator or power failure with the rotary valve in the closed position (Col. 2 Lines 6-9). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the circuit disclosed by Beale to comprise a line bypassing the regulator and be provided with a safety solenoid valve, as taught by Babin, for the purpose of providing emergency bypass in the event of the rotary valve actuator or power failure with the rotary valve in the closed position.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beale as applied to claim 7 above, and further in view of Danon (US Pat. 5,701,889).

11. Re claim 10, Beale discloses the claim invention except wherein the oxygen source comprises at least one pressurized oxygen cylinder. Beale discloses the oxygen source 74 is pressurized (Col. 4 Lines 67-68), but does not disclose that it is stored in a cylinder. Danon, however, teaches the use of an oxygen source 160 (Fig. 12) comprising a pressurized oxygen cylinder as a suitable source of oxygen for an oxygen breathing controller 10 (Fig. 12) of an aircraft. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the pressurized oxygen source of Beale to be a cylinder, as taught by Danon, in order to provide a suitable source of oxygen for an oxygen breathing controller of an aircraft.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC SPORER whose telephone number is 571-270-7834. The examiner can normally be reached on Monday - Friday, 9 AM - 5 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang Thanh can be reached on (571)272-4982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC SPORER/
Examiner, Art Unit 4118

/Quang D. Thanh/
Supervisory Patent Examiner, Art
Unit 4118